

TECHNOLOGY, COMMUNITY EDUCATION, SELF HELP AND CLIENT EMPOWERMENT
By Bob Cohen, Executive Director of The Legal Aid Society of Orange County

ABSTRACT

Technology programs funded by LSC make it feasible to enlist state and community partners to contribute to an effort to make interactive self-help services available to the client community and general public.

Self-help programs, such as Orange County's I-CAN!, directly empower clients by enabling them to resolve their own legal problems. Of more significance, such programs can be the foundation of community and statewide collaborative efforts that create empowering environments. Through the benefit of self-help technology, we can provide essential services that are not now available to our client communities. Through the benefit of digital technology and public access cable, we can tell our story to the communities that we serve. We can move away from the status quo in which only 13% of the nation knows we exist and 80 % of our client community is denied essential legal assistance. We can move toward a time in which comprehensive legal service systems are in place throughout the nation and the doors of our courthouses and courtrooms are open to all.

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A TIME FOR REEXIMINATION

On this we can all agree: legal services for the poor are underfunded and politically vulnerable. Generally, our work, if recognized at all, is deemed controversial. The legitimacy and survival of legal services are always in question.

Technology provides an opportunity to expand access to legal services, broaden our base of support, and lessen the adverse impact of controversy. Technology can empower our client community by providing services and resources heretofore unavailable. However, without our active oversight and participation, technology may isolate our client community more profoundly than ever.

NOBODY KNOWS OUR NAME

(Except those who oppose our work)

In November 2000, A National Message for Civil Legal Aid, prepared for the Open Society Institute by Belden Russonello & Stewart, cited the finding that “[o]nly about 13% of Americans say they know that a program of government-funded civil legal aid exists and can also offer a name that comes reasonably close to describing civil legal aid.”

LSC funded programs often do battle for our clients and client communities against business or government. Both are quite capable of funding and rallying support for their positions as well as raising questions about the wisdom and legitimacy of our work. In an environment in which Legal Aid is relatively unknown both to our client community and the public-at-large, we leave our activities and positions to be defined by others. Those who oppose our work never fail to portray it as far outside of the mainstream of American values. A local example that comes to mind is the Legal Aid Society of Orange County (LASOC) and its staff facing accusations of misuse of federal funds because of support of affordable housing. It was a lot easier for builders and local communities to accuse Legal Aid of wrongdoing than to examine

exclusionary housing practices. In the light of such controversy, it is difficult to raise broad-based community support for federally funded legal services.

Our Day-to-Day Work On Behalf of the Client Community

In reality, daily and nationwide, our legal services community undertakes many thousands of legal matters that are not controversial and relate directly to our clients' survival needs. It is the mainstay of our work, and it is the type of assistance that the public overwhelmingly supports. Opinion surveys from New York to California have revealed the same finding: large majorities of the American people support government funded legal services for the poor. Despite this fact, in general our work is not newsworthy unless it involves unusual issues or consequences or there is a serious threat to close us down. The irony is that our day-to-day work that the public so strongly supports is done with such little fanfare that few are aware we are doing it, let alone that the Legal Services Corporation funds it. We are left politically vulnerable and severely underfunded. Our client community is left without the power to access the judicial system, even for most simple services. What's worse, clients should have no realistic expectation that things will change for the better unless the legal services community takes action to make things change. As we move into the information age, we must reexamine the possibilities.

Client Community Services in the Information Age

While technology could enrich the lives of all, with the digital divide unchecked, it could introduce one of the most disempowering developments our client community has faced. As jobs, services and the economy move into the information age, those unable to benefit by these new marvels will be more marginalized than ever. As attorneys and trusted advisors for our client community, we have responsibility to assure that they are not simply forgotten in the planning process as new services are developed for the public. By inaction, we may let this new generation of services and opportunities isolate our client community more than ever. By playing a major part in this effort to benefit the entire community, legal aid can secure additional services to its client community. Our work with other community partners can help

create a culture of inclusion in which planning for the new generation of information services always includes the needs of our client community.

Using LSC Funded Self-Help Technology

(Creating an environment to empower clients)

In the past our nationwide efforts have been unable, in real dollars, to increase federal funding of legal services for the poor. We are at the point of publicly recognizing that the funding of legal services for the poor is not primarily a federal responsibility. In the midst of what appear to be difficult times ahead, we can community-by-community provide a better understanding of the importance of our work and the necessary federal role in sustaining it. To a significant extent this case can be made and our client communities empowered through the linkage of the benefits of LSC's Technology Initiative to coordinated local programs providing community education and self-help services. We may now be at an opportune time to begin such an effort.

Public Perception that Courts Are Too Complicated

A key finding making such a coordinated campaign possible is that there is overwhelming agreement that our judicial system is too complex. Citing local examples, Dr Meeker in his 1984 survey found that 83.3% agreed with this statement.¹ More recently, a community outreach program of the Superior Court in Orange County convened a conference of a wide range of citizens from high school students to community leaders to examine how our court is perceived.²

In essence the legal system received poor marks because of its complexity. Those conferring thought the solution to this problem would most likely come from technology.

Interactive Self-Help Services

The Interactive Community Assistance Network (I-CAN!) is a kiosk- and Internet-based legal services system designed to provide *pro per* litigants convenient and effective access to vital legal services. I-CAN! service modules educate users on the law, procedures, and steps needed to initiate or defend

against a legal action. Additionally, they create properly formatted pleadings; provide court tours; portray a model court hearing and provide answers to frequently asked questions. I-CAN! can be developed to provide virtually any legal service that is now offered in a clinic setting in Spanish, Vietnamese or English.

Developed in Orange County as part of LSC's Technology Initiative, I-CAN! is currently in its pilot, or proof-of-concept, phase. I-CAN's Answers to Complaints to Establish Parental Relationship module (APC) became available to the public at the Orange County Superior Court's Family Law Information Center on November 17, 2000. I-CAN is creating properly formatted pleadings in response to input in English or Spanish. The system is receiving positive reviews from both its users and the community in general. Evaluations reflect that users find I-CAN! both helpful and easy to use.

Self-help services open the door to the courtroom and enable our client community to seek a fair resolution of their legal problems. While certainly not guaranteeing success, they offer our client community the opportunity to be heard and have their position considered by the courts. I-CAN! modules aren't replacing lawyers. They are bridging a gap in our legal system by providing essential services that are not otherwise available. Most often, with no access to an attorney or other legal assistance, the alternatives are grim. On the plaintiff's side, there is no realistic way to pursue a claim. For the defendant, the alternative is a default judgment.

I-CAN! modules are designed to address the day-to-day legal problems which confront our client community. Looking at the modules already in place:

- Domestic Violence Assistance --- enables victims of domestic violence to seek protective court orders, including child custody and support orders, and provides information needed to create a personal and family safety plan.
- APC --- provides an opportunity to participate in the court process that will establish the respondent's financial obligations for child support.

- Small Claims Advisor ---- enables the pursuit or the defense of a civil claim for up to \$5,000, without the assistance of an attorney.

Additional modules to be deployed within the next several months will expand the range of essential services available for our client community. These include:

- Unlawful Detainer Defense – enables those facing an eviction complaint to answer and thereby participate in the court proceeding that resolves disputes concerning housing conditions, financial obligations for housing and the right of possession, i.e. the right to remain in one's current housing.
- Income and Expense Declaration --- used for an Order to Show Cause regarding child and/or spousal support, and for financial issues before the court in paternity and sole custody proceedings.
- In Forma Pauperis Application --- enables a litigant to request a court order to file pleadings or serve documents without the payment of a fee.
- Wage Assignment Review --- enables those whose wages have been assigned to have that assignment reviewed and modified by the court.
- Judicial Review License Denial ---initiates a court review of the suspension of one's drivers license for failure to pay child support.

A number of additional self-help modules could be developed including, but not limited to: simple dissolution, bankruptcy, and application for government-funded medical services.

Building Service Coalitions

LSC funded self-help technology directly empowers clients to take the action necessary to resolve their own legal problems. Additionally, it provides LSC-funded programs the opportunity to bring together agencies and programs to work to expand services to the client community. This is a significant development---the creation of coalitions to focus on empowering clients to resolve their own problems. The Orange County pilot of I-CAN!, for example, gave rise to the collaborative relationships among the Court,

the library system, the State Bar, The Judicial Council, local cities, women's shelters, the District Attorney's office and Legal Aid. Each participant had its own reason to join the collaborative effort. All were interested in providing better access to essential legal services to poor people and the public-at-large.

- The Courts Daily the courts confront the challenges posed by unrepresented litigants. Often *pro pers* have great difficulty in preparing appropriate pleadings. Court clerks repeatedly inform unrepresented litigants that clerks cannot practice law and that advice must be obtained elsewhere. At hearings, *pro pers* expect the judge to provide assistance since they can't afford an attorney. Our adversary system does not permit such help, and hearings are often postponed to permit *pro pers* to seek advice or representation. Unfortunately, needed assistance is not generally available. That leaves no satisfactory alternative for the court or the *pro per* litigant.³
- Libraries Technology is providing libraries new challenges and opportunities. With the advent of the Internet, books can now be downloaded. In this new age, it's an open question as to how people will use libraries. In the midst of these changing times, librarians may be pleased to partner with legal services programs to provide useful information to the public. Libraries make for a great partnership. In Orange County, for example, there are 28 libraries with 400 Internet accessible computer workstations. Delivering I-CAN! services through such a partnership enables libraries to test a new role for themselves while it greatly expanding the availability of self-help services.
- The Judicial Council and State Bar The Judicial Council and the State Bar are also interested in sponsoring successful self-help programs. Unfortunately many litigants, especially in family law matters, appear unrepresented. The Judicial Council recognizes that in order for the courts to function efficiently some assistance must be provided to the unrepresented litigants. Similarly, the Bar recognizes that paid and volunteer resources are not sufficient to provide assistance to all those who cannot afford an attorney. In California, both the Judicial Council and the Bar have funded the development of interactive self-help legal services.

- Cities When offered an opportunity through their CDBG funding process, cities often are willing to participate in the creation of new programs for their residents such as self-help legal services system. In Orange County, both the cities of Irvine and Fullerton have provided financial support for I-CAN!.
- Shelters Women's shelters are also natural partners in the delivery of self-help legal services for domestic violence victims. In providing such services, shelters make it easier for a woman to terminate an abusive relationship and create a safe and stable environment for herself and her family. In Orange County, the Women's Transitional Living Center was an early partner of Legal Aid in creating the I-CAN! system. In the near future, when fully webized, I-CAN's DV assistance program will be accessible from any of the several participating women's shelters in the county.
- The District Attorney's Office In Orange County, the District Attorney's Office is also a partner in the creation and use of service modules. The DA's office has a range of responsibilities concerning family law matters and confronts many of the same service challenges, as does Legal Aid. In partnering with the Orange County DA's office, Legal Aid will create modules that address the problem of judicial review of wage assignment and drivers license suspension for failure to pay child support. These are services in great need by Legal Aid's client community.
- Private Funders Private foundations and funders have shown an interest in sponsoring programs that expand access to self-help legal services. The Open Society Institute has already funded such efforts. In Orange County, Disneyland's Community Services Program has contributed funds to support the development of I-CAN!. Moreover, the private sector appears ready to partner with legal aid programs in the development of such initiatives.

Getting the Word Out

Through its technology initiative, LSC is providing its programs the opportunity to take a leadership role within their communities. Programs are positioned to assure that the interests of the client community

are not ignored as we move into the information age. However, with 13% name recognition, the legal services community may find it difficult to survive let alone play a major policy role in bridging the digital divide.

Nationwide, our relative anonymity has made it difficult to transfer the general support for “justice for all” to the specific work of legal services programs. While improving access to the courts will help, the LSC funded technology makes more possible. The court tours and video clips created to implement a self-help system are also useful in the creation of public access cable shows concerning the work of legal aid programs and accessing the courts. The advent of inexpensive digital technology and the availability of public access cable make it feasible to produce and air broadcast-quality programs. Orange County, for example, has 12 separate cable systems to serve its population of over 2.9 million. A show produced for one of the 12 systems can be aired on all the others. LASOC has produced and aired four shows on various health care rights topics throughout the county.⁴ To introduce I-CAN!, Legal Aid will embark on a televised community education campaign to air on all 12 public access cable systems. The legal services provided by I-CAN! and the information provided through public access cable are complementary parts of a comprehensive system. The blending of these components enables legal aid to provide essential legal services and redefine its image through spotlighting its mainstream work of making the justice system less complicated and more accessible. Additionally, its collaborative work with its other community partners places legal aid in a credible position to work for other necessary changes to the justice system.

National Interest

Community by community we can get the word out about the new services that are available (due to our efforts) and the new services that are needed to make our courts even more accessible. In response to a survey by AARP and LASOC, more than 130 programs requested cable access production training. A coordinated effort among these programs could create a nationwide Public Access Cable Network educating the public about legal services and airing programs of concern to our client community.

Next Steps

To mention three essential steps to expand access to self-help services and create a national community education network:

- Training to utilize the technology and build community service partnerships An initial training of about three days is required to develop an understanding of the self-help technology, its limits and usefulness, how to use it in conjunction with public access cable, and how to build community service coalitions to empower clients in the information age.
- Setting Accessibility and Communication goals By the establishment of goals, we will define the scope of activities to be undertaken, the resources required, including staff and or volunteer time, and the results that we can reasonably expect from our efforts.
- Earmarking of resources required to successfully undertake the program It would of course be easier if LSC could secure additional federal funding for this technology initiative. Absent such a centralized earmarked fund, resource development remains a local responsibility. It is important to note, however, that the use of the cable access system is not an expensive undertaking, that the cost of the development of a self-help system has already partially been underwritten through technology programs funded by LSC, and that it is feasible to enlist state and community partners to contribute to an effort that makes interactive self-help services available to the general public.

Conclusion

Self-help legal assistance programs such as I-CAN! directly empower clients by enabling them to resolve their own legal problems. Of more significance, such programs can be the foundation of community and statewide collaborative efforts that create empowering environments. Through the benefit of self-help technology, we can provide essential services that are not now available to our client communities. Through the benefit of digital technology and public access cable, we can tell our story to the communities that we serve. We can move away from the status quo in which only 13% of the nation knows

we exist and 80 % of our client community is denied essential legal assistance. We can move toward a time in which comprehensive legal service systems are in place throughout the nation and the doors of our courthouses and courtrooms are open to all.

¹ In their 1984 Survey, Drs. Meeker and Dombrink found that 83.3% agreed that the court system had become too complicated. 1984 ANNUAL ORANGE SURVEY: ANALYSIS OF QUESTIONS RELATED TO THE LEGAL SYSTEM. James W. Meeker, J.D., Ph.D., John Dombrink, Ph.D. Program In Social Ecology, University of California, Irvine.

² The Court – Community Initiatives Conference took place in Garden Grove on October 1, 1999. The event included over 170 participants who were reflective of a cross section of the community and included youth, business leaders, representatives of the justice system, legislature, educational institutions, law enforcement and the executive branch of government.

³ The California Legislature created the Family Law Facilitators program in 1996. The program funds self-help assistance throughout the state. Unfortunately, there is an overwhelming demand for the Facilitator's services. In Orange County for example, the Facilitator's office employs 3 attorneys. Annually, in nearly 90% of 9600 Child Support cases (for which I-CAN's APC module provides assistance) the respondent appears *in pro per*. In over 50% of the 12,500 dissolutions filed annually in Orange County, one or both parties appear *in pro per*. The Orange County Superior Court's Family Law Facilitator has been a full partner in the planning and implementation of the I-CAN! program. The assistance of the Facilitators' staff has been invaluable, especially the work of Jody Farrell, Marilyn Mirano, and Lorraine Torres-Perez, Orange County's Family Law Facilitators.

⁴ LASOC's English language shows have aired throughout Orange County. Its Vietnamese and Spanish language programming has aired in selected communities.